



IT IS ORDERED as set forth below:

Date: March 25, 2009

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN THE MATTER OF:	:	CASE NUMBER: 05-44020-PWB
	:	
REBECCA E. BOWMAN,	:	CHAPTER 7
	:	
Debtor.	:	JUDGE BONAPFEL
_____	:	
	:	
COHUTTA BANKING COMPANY,	:	
	:	
Plaintiff,	:	ADVERSARY PROCEEDING NO.
	:	06-4011
v.	:	
	:	
REBECCA E. BOWMAN,	:	
	:	
Defendant.	:	

**ORDER AND NOTICE WITH REGARD TO PROPOSED DISMISSAL OF
OBJECTION TO DISCHARGE AND
SETTLEMENT OF DISCHARGEABILITY OF DEBT**

The Plaintiff in this adversary proceeding objected to the Debtor's discharge and to the dischargeability of its debt. The parties have now filed a stipulation in which the Debtor consents to entry of judgment that debt of \$12,000 is nondischargeable and that dismisses the objection to discharge.

A plaintiff cannot voluntarily dismiss an objection to discharge without providing notice of the proposed dismissal to the trustee, the United States Trustee, and other parties as the Court directs. FED. R. BANKR. P. 7041. Moreover, when a claim that a debt is nondischargeable is joined with an objection to discharge, the Court ordinarily does not permit settlement of the dischargeability matter unless the discharge objection is first resolved. *Kay v. Parker (In re Parker)*, 2003 WL 21703528 (Bankr. N.D.Ga. 2003).

Accordingly, it is hereby **ORDERED** and **Notice is Hereby Given** that any party in interest objecting to dismissal of the discharge objection in this adversary proceeding must file such objection with 30 days of the entry of this Order. Any such objection shall include a statement as to whether the objecting party desires to prosecute the pending objection.

The Court will hold a hearing with regard to any objection that is filed on **May 6, 2009**, at **11:00 a.m.** in **Courtroom 326, Federal Building, 600 East First Street, Rome, Georgia**. If the discharge objection is dismissed, the Court at the hearing will then hear from the Debtor or her counsel as to whether she desires to settle the dischargeability issue as proposed or to proceed to trial on her defenses. The trial now scheduled for April 1, 2009, is continued.

Counsel for the Plaintiff shall mail copies of this Order and Notice to all parties in interest within five days from the date of entry of this Order and certify said service to the Court.

The Clerk is directed to docket this Order in the adversary proceeding and in the main case.

END OF ORDER

DISTRIBUTION LIST

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